

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1523 of 1999

in

SPECIAL CIVIL APPLICATION No 7941 of 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

KANUBHAI KHODABHAI

Versus

PRESIDENT, BAVLA NAGARPALIKA

Appearance:

MR VB GHARANIYA for Appellants

MR KV GADHIA for Respondent No. 1, 2

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE D.P.BUCH

Date of decision: 24/12/1999

ORAL JUDGEMENT

Admitted. Mr. K.V.Gadhia appears for respondents and waives service of admission. In the facts and circumstances of the case, the matter is taken up for final hearing today.

This appeal is filed against summary dismissal of SCA No. 7941 of 1999 by the learned Single Judge on October 13, 1999.

Appellants were the original petitioners. They approached this Court for appropriate reliefs mentioned in para 7 of the petition.

When the matter came up for hearing, learned Single Judge observed that the appellants wanted to be regularised in service on the ground that they had completed three years. It was, however, observed that the appellant-petitioners had made representations to the Chief Officer of the municipality for that purpose on December 8, 1998 and September 24, 1999. In that view of the matter, the learned Single Judge observed:

"In my view, the petition is premature at this stage. The petitioner shall pursue the representations made by them. The petition is summarily rejected".

The grievance of the appellants is that though the learned Single Judge dismissed the petition on the ground that representations were pending and petition was premature, no direction was issued to dispose of the representations made by the appellants. He, therefore, submitted that the learned Single Judge ought to have directed the municipality to decide the representations.

Prima facie, we were satisfied and hence we had issued Notice for admission as well as final hearing. We have heard the parties.

In the facts and circumstances, interest of justice will be met if we direct the respondent municipality to decide the representations which are pending to which reference has been made by the learned Single Judge, within six weeks from receipt of the writ. Appeal is accordingly allowed to that extent. In the facts and circumstances

of the case, no order as to cost.

parekh